

CHAPTER 9000 ADOPTION SUPPORT

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9100 ELIGIBILITY

- A. Assistance may be provided through agreement with parents for the purpose of supporting the adoption of children in, or likely to be placed in, foster homes or child care institutions who are difficult to place because of physical or other reasons, including, but not limited to:
 - 1. Physical or mental handicap;
 - 2. Emotional disturbance;
 - 3. Ethnic background;
 - 4. Language;
 - 5. Race or color;
 - 6. Age;
 - 7. Sibling grouping.
- B. The child shall be or have been a child hard to place in adoption.
- C. The child was or is residing in a foster home or child-care institution or is a child who is both eligible for, and likely to be placed in, either a foster home or a child-care institution.
- D. Adoption support shall not continue beyond whichever of the following first occurs: The adopted child reaches 18 years of age, becomes emancipated, dies, or otherwise ceases to need support. Continuing need for assistance after age 18 may warrant continuing adoption support.

[RCW 74.13.109](#)

9200 CONSIDERATIONS FOR PAYMENTS

- A. The factors to be considered in setting the amount of payments and in adjusting standards shall include:
 - 1. Size of the family including the adoptive child.
 - 2. The usual living expenses of the family.
 - 3. The special needs of any family member, including educational needs.
 - 4. Family income.
 - 5. Family resources and plan for savings.
 - 6. The medical and hospitalization needs of the family and its means of purchasing or otherwise receiving such care.

7. Any other expenses likely to be needed by the child to be adopted.
8. The amounts paid may vary from family to family and from year to year. Due to changes in economic circumstances or the needs of the child, such payments may be discontinued and later resumed.
9. Payments may continue if the family moves out of state, subject to review.

[RCW 74.13.112](#)

10. The department may make continuing payments, lump sum payments, or both.

[RCW 74.13.115](#)

11. Funds received by a family as part of participation in the Adoption Support Program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall not be counted toward a family's current gross family income for the purposes of the Washington Basic Health Plan.

RCW 70.47.060

12. An adoptive parent receiving support shall, upon request, submit a copy of their federal income tax return. Contents of the tax return are considered confidential.

[RCW 74.13.121](#)

9300 ADOPTION SUPPORT AGREEMENTS

- A. The adoption support agreement is determined through a negotiation between the adoptive parents and the social worker. Adoptive parents' resources are considered along with the special needs of the child projected over an extended period of time.

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- B. An adoption support agreement is considered a formal contract between the adoptive parents and the state of Washington. The state shall not reduce future adoption support to a family by way of a general reduction of appropriations for the program. Support may be adjusted or reduced as provided in law and section 9200.

[RCW 74.13.124](#)

- C. Before the date of the hearing on the petition to adopt, the adoption worker shall submit a copy of the adoption support agreement to the court adoption file.

[RCW 26.33.320](#)

- D. The department may propose amendments regarding the level of support in an existing agreement. Voluntary amendments of any support agreement entered into may be made at any time. In proposing any such amending action which relates to the amount or level of a payment or payments, the

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department shall, as provided in RCW 74.13.127, use either the standard which existed as of the date of the initial determination with respect to such agreement or any subsequent standard or parts of such standard which both parties to such agreement agree is more generous than those in effect as of the date of such initial agreement.

1. If the parties do not agree to the level of support, the department shall set the level. The department shall give the adoptive parent or parents written notice of the determination.
2. The adoptive parent or parents aggrieved by the department's determination of level of support have the right to an adjudicative proceeding under RCW 74.08.080 and chapter 34.05 RCW, the Administrative Procedure Act.

[RCW 74.13.127](#)

9400 NON-RECURRING ADOPTION EXPENSES

The department may pay all or part of the non-recurring adoption expenses incurred by a prospective parent in connection with the adoption of a difficult to place child including, but not limited to, attorneys' fees, court costs, and agency fees.

[RCW 74.13.130](#)

9500 ADOPTION SUPPORT RECONSIDERATION

- A. The department shall establish, within appropriated funds, a reconsideration program to provide medical and counseling services through the adoption support program for children of families who apply for services after the adoption is final.

[RCW 74.13.150](#)

- B. A child meeting the eligibility criteria for registration with the program is one who:
 1. Was residing in a pre-adoptive placement funded by the department or in foster care funded by the department immediately prior to the adoptive placement;
 2. Had a physical or mental handicap or emotional disturbance that existed and was documented prior to the adoption or was at high risk of future physical or mental handicap or emotional disturbance as a result of conditions exposed to prior to the adoption; and
 3. Resides in the state of Washington with an adoptive parent who lacks the necessary financial means to care for the child's special needs.

[RCW 74.13.150](#)

- C. If a family is accepted for registration and the child meets the criteria in paragraph B above, the department may enter into an agreement for

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services. Prior to entering into an agreement for services through the program, the medical needs of the child must be reviewed and approved by the department.

[RCW 74.13.150](#)

D. Any services provided pursuant to an agreement between a family and the department shall be met from the department's medical program. Such services shall be limited to:

1. Services provided after finalization of an agreement between a family and the department;
2. Services not covered by the family's insurance or other available assistance; and
3. Services related to the eligible child's identified physical or mental handicap or emotional disturbance that existed prior to the adoption.

[RCW 74.13.150](#)

E. Any payment by the department for services provided pursuant to an agreement shall be made directly to the physician or provider of services according to the department's established procedures.

[RCW 74.13.150](#)

F. The total costs payable by the department for services provided pursuant to an agreement shall not exceed \$20,000 per child.

[RCW 74.13.150](#)

9600 ELIGIBILITY FOR SUBSIDY AFTER ADOPTION FINALIZATION

For adoptions occurring in or after the year 1981, certain adopted children may be eligible for adoption support subsidy after finalization. The determination of eligibility is based upon the extenuating circumstances at the time of the adoption and other qualifying factors. The child's eligibility for federal funding at the time of adoption will need to be established based upon the information in the archived file. If a family inquires about subsidy services after adoption, the social worker shall refer them to the regional adoption support program manager.

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9700 INTERSTATE COMPACTS FOR ADOPTION ASSISTANCE

A. The department is authorized to develop, participate in the development of, negotiate, and enter into one or more interstate compacts on behalf of this state with other states to implement the purposes contained in this section and RCW 74.13. When entered into, and for so long as it remains in force, such a compact has the force and effect of law.

[RCW 74.13.155](#)

B. A compact entered into under the authority of RCW 74.13 must have the following content:

1. A provision for making it available for joinder by all states;
2. A provision for withdrawal from the compact with written notice to the parties, but with a period of one year between the date of the notice and the effective date of the withdrawal;
3. A requirement that the protections afforded by or pursuant to the compact continue in force for the duration of the adoption assistance and be applicable to all children and their adoptive parents who, on the effective date of the withdrawal, are receiving adoption assistance from a party state other than the one in which they are resident and have their principal place of abode;
4. A requirement that each instance of adoption assistance to which the compact applies be covered by an adoption assistance agreement that is:
 - a. In writing between the adoptive parents and the state child welfare agency of the state that undertakes to provide the adoption assistance, and
 - b. Expressly for the benefit of the adopted child and enforceable by the adoptive parents and the state agency providing the adoption assistance; and
5. Such other provisions as are appropriate to implement the proper administration of the compact.

[RCW 74.13.156](#)

- C. A compact entered into pursuant to the authority conferred in chapter 74.13 RCW may contain provisions in addition to those required under paragraph B of this section, as follows:
1. Provisions establishing procedures and entitlement to medical and other necessary social services for the child in accordance with applicable laws, even though the child and the adoptive parents are in a state other than the one responsible for or providing the services or the funds to defray part or all of the costs of the services; and
 2. Such other provisions as are appropriate or incidental to the proper administration of the compact.

[RCW 74.13.157](#)

D. Medical Assistance

1. A child with special needs who resides in this state and is the subject of an adoption assistance agreement with another state is entitled to receive a medical assistance identification card from this state upon the filing with the department of a certified copy of the adoption assistance

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agreement obtained from the adoption assistance state. In accordance with regulations of the Medical Assistance Administration, the adoptive parents are required at least annually to show that the agreement is still in force or has been renewed.

2. The Medical Assistance Administration shall consider the holder of a medical assistance identification card under this section as any other holder of a medical assistance identification under the laws of this state and shall process and make payment on claims in the same manner and under the same conditions and procedures as for other recipients of medical assistance.
3. The Medical Assistance Administration shall provide coverage and benefits for a child who is in another state and is covered by an adoption assistance agreement made by the department for the coverage or benefits, if any, not provided by the residence state.
 - a. Adoptive parents acting for the child may submit evidence of payment for services or benefit amounts not payable in the residence state for reimbursement.
 - b. No reimbursement may be made for services or benefit amounts covered under any insurance or other third party medical contract or arrangement held by the child or the adoptive parents.
 - c. The additional coverage and benefit amounts provided under this paragraph must be for services to the cost of which there is no federal contribution, or which, if federally aided, are not provided by the residence state.

[RCW 74.13.158](#)

4. The submission of any claim for payment or reimbursement for services or benefits under this paragraph or the making of any statement that the person knows or should know to be false, misleading, or fraudulent is punishable as perjury under chapter 9A. 72 RCW.
5. This paragraph applies only to medical assistance for children under adoption assistance agreements from states that entered into a compact with this state under which the other state provided medical assistance to children with special needs under adoption assistance agreements made by this state. All other children entitled to medical assistance under an adoption assistance agreement entered into by this state are eligible to receive assistance in accordance with the applicable laws and procedures.

[RCW 74.13.158](#)